



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL


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October 31, 2002

TO: SUPERVISOR ZEV YAROSLAVSKY, Chairman
SUPERVISOR GLORIA MOLINA
SUPERVISOR YVONNE BRATHWAITE BURKE
SUPERVISOR DON KNABE
SUPERVISOR MICHAEL D. ANTONOVICH

FROM: LLOYD W. PELLMAN 
County Counsel

RE: **Legal Services Contract**

The County is required by law to provide indigent defense services. Since November 2000, attorney Gigi Gordon has provided expert legal services in post-convictions hearings for indigents in cases that cannot be represented by either the Public Defender or the Alternate Public Defender.

Ms. Gordon's original contract was for representation of indigents in Rampart-related cases. The contract was later expanded to include cases where the Los Angeles Superior Court had appointed her to represent incarcerated indigent felons bringing a motion for the performance of DNA testing. Ms. Gordon's contract was also expanded to include cases of police misconduct involving indigents in custody that were not specifically related to the Rampart scandal. Ms. Gordon's current contract expires on November 30, 2002.

Ms. Gordon is desirous of entering into a contract for another year. The contract would be for the same compensation as last year's contract, but would include two new categories of cases. The first would include cases falling within newly enacted Penal Code § 1473.6. This section allows a person who is not in custody to attack a conviction predicated upon police or prosecutorial misconduct. She would also provide counsel for persons civilly incarcerated under the Sexually Violent Predator Act (Welfare and Institutions Code §6600, et seq.). She would only handle cases where both the Public Defender and the Alternate Public Defender have conflicts of interest.

It is most practical to retain one law firm for these matters. All the cases involve issues of post-conviction law and have clustered factual patterns. Most court-appointed attorneys have little or no experience in this area, with DNA, or sexually violent predators. If the court reappointed each of the original attorneys to represent their clients in post-conviction habeas corpus proceedings, it would be

expert in both post-conviction law and DNA. She is well regarded by the judiciary and legal community. We believe that the cost to the County of individual attorneys handling the matters could exceed \$5 million.

Ms. Gordon, when appointed by the court, receives a minimum of \$80 per hour with no cap on her fees. This office has negotiated a proposed contract with Ms. Gordon in which she would undertake all these classifications of cases for a fee capped at \$700,000 per year. This is the same amount she received last year. Under the proposed contract, her fee will not exceed \$80 per hour.

This proposal has been reviewed by the Chief Administrative Office and County Counsel staff and both concur that this is the most cost effective method to meet the County's obligation to provide representation for post-conviction review of Rampart-related, non Rampart-related cases, DNA petitions under Penal Code § 1495 and proceedings involving the civil commitment of violent sexual predators. Funds have been appropriated in the court's indigent defense account to cover this expense.

I intend to enter into this new contract with Ms. Gordon effective December 1, 2002.

Your staff can contact Mr. Gordon Trask of my office at (213) 974-1943. He negotiated this contract and is familiar with the issues. If any Board office has significant concerns, I intend to have the contract put on the Board's agenda for consideration. A member of my staff will contact your justice deputy prior to November 15, 2002, to determine if the matter should be put on the Board's agenda instead of the proposed administrative execution of this agreement.

LWP:GWT:jb

c: David E. Janssen
Chief Administrative Officer

Violet Varona-Lukens, Executive Officer
Board of Supervisors

J. Tyler McCauley
Auditor-Controller

Rosemary Gutierrez
Chief Administrative Office